

Apl'n No. 10/679,843
Atty. Docket No. 0220-067

REMARKS

Claims 1, 3-6, 9-11 and 13-15 are pending in the application. Claims 1, 9 and 11 have been amended and claim 8 has been canceled without prejudice or disclaimer by the foregoing amendment. Claims 2, 7 and 12 have been canceled and claims 16-20 have been withdrawn from consideration previously.

Claims 9 and 10 stand rejected under 35 U.S.C. § 112, 2nd paragraph as being indefinite for including the term "plate". It is believed that the amendment of claim 9 overcomes this rejection. Applicants respectfully request withdrawal of this rejection.

Claims 1, 3 and 13 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,831,711 ("Smith"). Claims 1, 2-6, 11 and 13-15 stand rejected under 35 U.S.C. § 102(b) as being anticipated U.S. Patent No. 497,855 ("Moore"). Claims 8-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,088,545 ("Meyer") in view of Smith and over U.S. Patent No. 6,619,432 ("Yasui") in view of Smith.

Exemplary embodiments disclose, as recited in amended claim 1 for example, an ascension/descension apparatus. The apparatus comprises a track connected to a vertical surface of a utility pole, a portable platform portion detachably connectable to the track such that the portable platform portion can move upwardly and downwardly along the track and a chain system connected to the track for raising and lowering the portable platform portion. The track includes two vertical rails parallel to each other and connected to each other by a plurality of inter-rail supports. The inter-rail supports are connected to the pole for securing the track to the pole.

As claim 1 has been amended to incorporate, *inter alia*, the elements of canceled claim 8, the rejection of claim 8 will be addressed.

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Both Meyer and Yasui fail to disclose a track connected to a vertical surface of a utility pole. Meyer, for example, utilizes a cable 38 and pulley system 26 for hoisting a personnel carrying car 18. Yasui utilizes a transport belt 40a and 40b with wheels 25 for moving a transport unit 5 along a pole 160.

Smith discloses a channel member 10 within which a roller chain 20 is transported along a side of a building. Smith, however, fails to disclose, vertical rails as well as a plurality of inter-rail supports connected to the pole for securing the track to the pole as recited in independent claims 1 and 11.

The combined teachings of Meyer, Yasui and Smith, therefore, fail to teach exemplary embodiments as recited in claims 1 and 11. At least for these reasons, it is believed that claims 1 and 11 are allowable. The remaining claims are also allowable based at least on their dependence on allowable claims 1 and 11.

I is believed this application is in condition for allowance and a prompt notice to that effect is respectfully requested. Should the Examiner have any questions with respect to expediting the prosecution of this application, he is strongly urged to contact the undersigned at the number listed below.

Respectfully submitted,

Potomac Patent Group PLLC

By: Krishna Kalidindi
Krishna Kalidindi
Registration No. 41,461

P.O. Box 270
Fredericksburg, VA 22404
(703) 893-8500

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